

United States District Court

APR 14 2015

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Juan Cadena

A208 159 727

YOB: 1989

Principal

United States

Case Number:

M-15-0583-M

(Name and Address of Defendant)

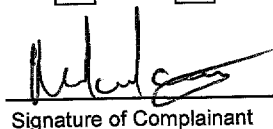
I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 13, 2015 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Aura Elizabeth Martinez-Ramirez, citizen and national of Guatemala and Noel Ramos-Lemus, citizen and national of Honduras, along with three (3) other undocumented aliens, for a total of five (5), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On April 13, 2015, at approximately 7:00 a.m., Rio Grande City Border Patrol Agent Kartchner, responded to reported suspicious activity south of the Cadena property at 400 Haltiner Alley Rio Grande City, Texas which is located approximately 1/2 mile north of the Rio Grande River. As Agent Kartchner approached the property, he had an unobstructed view of a subject wearing a bright hooded sweater, later identified as Juan Cadena, running south toward the brush. Being that the location is notorious for alien smuggling area further and there numerous cases where undocumented aliens have been found in the brush and structures on the property, Agent Kartchner decided to further investigate. Shortly after Agents Kartchner and Dubois entered the property, the same subject reappeared wearing the same bright red hooded sweater running back north toward the house guiding two females.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ NoApproved


Signature of Complainant

Michael Chandler Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

April 14, 2015

Date

3:46 pm at

McAllen, Texas

City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15- 0583-M

RE: Juan Cadena

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CONTINUATION:

When the subjects noticed agents approaching, the females ran towards the southwest corner of the house. Agent Dubois saw one male subject wearing a blue collared shirt walking around the west end of the home and make entry into the residence on the north end. Agents requested the assistance from the Rio Grande City Police Department and other responding agents created a perimeter around the property. BPA Jesse Moreno arrived at the location with Rio Grande City Police Officer Trevino. Agents could see two female subjects standing in the doorway on the southwest corner of the house.

Agent J. Moreno was advised that the two females had just exited. After question the females it was determined that they were in the United States illegally. Through an open door way, agents were able to see three more subjects attempting to hide in the attached storage room. The three male subjects freely exited the storage room and determined that they were in the country illegally. I then informed Officer Trevino then processed to conduct a knock and talk when Lee and Juan Cadena emerged from the residence. Agents were immediately able to identify Juan Cadena as the subject who was guiding the two females into the residence. Officer Trevino obtained a signed written consent form from Lee Cadena to search his dwelling. Officer Trevino and agents conducted a thorough search of the residence for additional illegal aliens, but to no avail. A dry, red hooded sweater was later recovered on the west side of the house. It had rained in the area the night before so finding a dry sweater outside seemed suspicious. When asked if it was his, Juan Cadena claimed it and has it in his possession.

PRINCIPAL'S STATEMENTS:

Juan Cadena was advised of his rights at the Rio Grande City Border Patrol Station and indicated to the agents that he understood his rights and were willing to provide a statement without an attorney present.

Juan Cadena claimed he had been asleep when police officers and the Rio Grande City Border Patrol arrived on his property. Juan Cadena stated that he smoked a marijuana joint around 2:00 a.m., and again stepped out of the house because he heard the dogs barking and again smoked another marijuana joint, however, Juan Cadena could not remember what time this second event took place. He stated that he had no knowledge of the subjects apprehended on his property this morning, nor the reason for his arrest.

**UNITED STATES DISTRICT COURT
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NOTE:

On December 16, 2013, Juan Cadena was a principal in a 1 on 1 Administrative Alien Smuggling Case. On three other separate occasions aliens have been arrested from a shed located behind the property of 404 S. Haltiner Alley, Rio Grande City, Texas. On January 29, 2014, 14 aliens were arrested, February 03, 2014, 4 aliens were arrested, May 12, 2014, 4 aliens were arrested.

MATERIAL WITNESSES STATEMENTS

Aura Elizabeth Martinez Ramirez and Noel Ramos-Lemus were advised of their rights at the Rio Grande City Border Patrol Station and indicated to the agents that they understood their rights and were willing to provide a statement without an attorney present.

Material Witness 1

Aura Elizabeth Martinez Ramirez, citizen of Guatemala, stated that her husband made her smuggling arrangements with a man nicknamed El Guerro. The arrangement was that they would pay a total of \$3,000 dollars to be smuggled into the United States. Martinez crossed into the United States on April 13, 2015 at approximately around 1:00 a.m. She stated to have crossed with a total of five illegal aliens and three foot guides. Martinez and the group followed the guides for about an hour until they reached a chicken coop. At the chicken coop the foot guides told them to stay there hidden and somebody would come to pick them up. Martinez and the group waited for about an hour until a skinny man wearing a red sweater arrived at the chicken coop and asked how many were in the group. Then the man instructed for three of them to follow him. The three males left the coop and followed the skinny man in the red sweater. Martinez and another female waited for about five minutes then the man wearing the red sweater showed up again. He instructed Martinez and the other female to follow him. As they were following him, Martinez stated that the man saw immigration, ran away and left them behind. Martinez and the other female ran to a house and tried to open the back door but it was locked. Martinez was able to identify the man in the red sweater, Juan Cadena, in a photo lineup.

Material Witness 2:

Noel Ramos-Lemus, a citizen of Honduras, stated to have paid smugglers in Reynosa, Tamaulipas, Mexico \$1,000 to be smuggled into the United States and was to pay an additional \$2,500 in once in Houston, Texas. After crossing the river, Ramos claims that the foot guide walked the group through the brush for hour before reaching a chicken coop. Once reaching the chicken coop, the guide instructed the group to wait and someone else would arrive to pick up the group. After waiting for two hours, a man arrived told Ramos along with two others to follow him and led them to a storage shed attached to the house. Ramos stated that the man, later identified as Juan Cadena, told them to wait in the shed until their ride arrived. Ramos also stated that Cadena was wearing a red sweater and never returned to the shed. Ramos-Lemus, Noel was able to identify the man, who went to the chicken coop and led them to the storage shed attached to the house by initialing and circling photo #3, Juan Cadena, of the photo lineup.